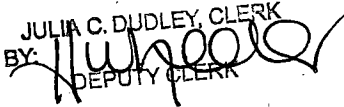


Exhibit 2

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

OCT 10 2018

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

UNITED STATES OF AMERICA

v.

BENJAMIN DRAKE DALEY
MICHAEL PAUL MISELIS
THOMAS WALTER GILLEN
COLE EVAN WHITE

Criminal Number: 3:18cr00025

In Violation of:

18 U.S.C. § 371 (Conspiracy to Riot)

18 U.S.C. § 2101 (Riots)

INDICTMENT

The Grand Jury charges:

Introduction

1. In or around the spring and summer of 2017, an event referred to as the "Unite the Right" rally was organized and scheduled to occur on August 12, 2017, at Emancipation Park in Charlottesville, Virginia, which is within the Western District of Virginia. This rally was widely promoted on social media and internet sites associated with white-supremacist individuals and groups, and was scheduled to feature a lineup of well-known white supremacist speakers.

2. On August 11, 2017, the evening prior to the scheduled Unite the Right rally, hundreds of individuals engaged in a torch-lit march on or around the grounds of the University of Virginia in Charlottesville, Virginia. Throughout the march, the participants engaged in chants promoting or expressing white-supremacist and other racist and anti-Semitic views. The march culminated near the University of Virginia's Rotunda where a smaller group of individuals, including University of Virginia students, had gathered around a statue of Thomas

Jefferson to protest the torch-lit march. Members of this group held a banner that read: "VA Students Act Against White Supremacy." Chanting and bearing torches, the march participants encircled the Thomas Jefferson statue and surrounded the protestors. Violence ensued.

3. On the morning of August 12, 2017, multiple groups and individuals espousing white-supremacist and other anti-Semitic and racist views arrived in and around the vicinity of Emancipation Park in Charlottesville, Virginia, to attend the Unite the Right rally. After several instances of violence prior to the scheduled start of the rally, law enforcement declared an "unlawful assembly" and required rally participants to disperse.

The Defendants and the Rise Above Movement in California

4. Beginning as early as in or about March 2017, the exact date being unknown to the Grand Jury, the defendants, BENJAMIN DRAKE DALEY, MICHAEL PAUL MISELIS, THOMAS WALTER GILLEN, and COLE EVAN WHITE, residents of California, associated with a white-supremacist organization that eventually became known as the "Rise Above Movement," or "RAM."

5. RAM openly identified itself as "alt-right" and "nationalist" and its members and associates frequently posted photographs and videos of its adherents engaging in physical training and mixed martial arts (MMA) street-fighting techniques, along with references to their alt-right and nationalist beliefs and ideology.

6. RAM and its members and associates also expressed, through various social-media platforms and other means, anti-Semitic, racist, and white-supremacist views and promoted violence against those they believed held opposing political views.

7. From in or about March 2017, to in or about August 2017, RAM and its members and associates, including the defendants, BENJAMIN DRAKE DALEY, MICHAEL PAUL

MISELIS, THOMAS WALTER GILLEN, and COLE EVAN WHITE, traveled to multiple political rallies and organized demonstrations in California and Virginia, where they prepared to and engaged in acts of violence against numerous individuals.

COUNT ONE

(Conspiracy to Commit an Offense Against the United States)

18 U.S.C. § 371

8. The allegations set forth in paragraphs 1 through 7 are incorporated by reference as if fully set forth herein.

9. Beginning as early as in or about March 2017, the exact date being unknown to the Grand Jury, and continuing to on or about the date of this Indictment, in the Western District of Virginia and elsewhere, the defendants, BENJAMIN DRAKE DALEY, MICHAEL PAUL MISELIS, THOMAS WALTER GILLEN, and COLE EVAN WHITE, did knowingly and willfully conspire, combine, confederate, and agree together with each other and with other individuals both known and unknown to the Grand Jury, to commit an offense against the United States, namely: traveling in interstate commerce and using a facility of interstate commerce with intent (a) to incite a riot, (b) to organize, promote, encourage, participate in, and carry on in a riot, (c) to commit an act of violence in furtherance of a riot, and (d) to aid or abet any person inciting and participating in or carrying on in a riot and committing any act of violence in furtherance of a riot; and during the course of such travel or use thereafter performed and attempted to perform any other overt act for such purpose, in violation of Title 18, United States Code, Section 2101.

Overt Acts

10. During and in furtherance of the conspiracy, and to effect the object thereof, the defendants BENJAMIN DRAKE DALEY, MICHAEL PAUL MISELIS, THOMAS WALTER

GILLEN, and COLE EVAN WHITE, and others co-conspirators known and unknown to the Grand Jury, committed the following overt acts, among others, in the Western District of Virginia and elsewhere:

Huntington Beach, CA, on or about March 25, 2017

- a. On or about March 25, 2017, traveled to and attended a purported political rally in or around Huntington Beach, California; and
- b. committed, participated in, and aided and abetted one or more acts of violence against individuals attending the purported political rally in Huntington Beach, California.

Berkeley, CA on or about April 15, 2017

- c. On or about April 15, 2017, reserved and rented an 11-passenger van with a debit card to travel from Southern California to in or around Berkeley, California;
- d. traveled to and attended a purported political rally in or around Berkeley, California; and
- e. after traveling in interstate commerce and using a facility in interstate commerce, committed, participated in, and aided and abetted one or more acts of violence against individuals attending the purported political rally in Berkeley, California.

Albemarle County and Charlottesville, VA, on or about August 11-12, 2017

- f. During the summer of 2017 and prior to August 11, 2017, purchased flights, with debit and credit cards, from Los Angeles and San Francisco, California, to Charlottesville, Virginia;

- g. During the summer of 2017 and prior to August 11, 2017, reserved and rented lodging within Charlottesville, Virginia, for the dates of August 11 through August 13, 2017;
- h. On or about August 10 and 11, 2017, traveled in interstate commerce by boarding commercial flights and flying from Los Angeles and San Francisco, California, to Charlottesville;
- i. On or about August 11, 2017, having arrived in Charlottesville, purchased athletic tape and baseball helmets from a local Wal-Mart store with debit cards and cash obtained by debit card;
- j. On or about the evening of August 11, 2017, obtained torches and attended a torch-lit march on or around the grounds of the University of Virginia in Charlottesville and Albemarle County, Virginia;
- k. On or about the evening of August 11, 2017, incited, promoted, encouraged, participated in, and carried on in a riot, committed acts of violence in furtherance of a riot, and aided and abetted other persons inciting and participating in and carrying on in a riot and committing acts of violence in furtherance of a riot on or around the grounds of the University of Virginia in Charlottesville and Albemarle County, Virginia;
- l. On or about August 12, 2017, prepared to commit acts of violence by, among other things, wrapping their hands with athletic tape.
- m. On or about August 12, 2017, attended the Unite the Right rally in and around the vicinity of Emancipation Park in Charlottesville, Virginia;

- n. On or about August 12, 2017, incited, promoted, encouraged, participated in, and carried on in a riot, committed acts of violence in furtherance of a riot, and aided and abetted other persons inciting and participating in and carrying on in a riot and committing acts of violence in furtherance of a riot in and around the vicinity of Emancipation Park in Charlottesville, Virginia; and
- o. On or about August 13, 2017, or the days thereafter, traveled on return flights from Charlottesville to Los Angeles and San Francisco, California.

11. All in violation of Title 18, United States Code, Section 371.

COUNT TWO
(Travel with Intent to Riot)
18 U.S.C. § 2101

12. The allegations set forth in paragraphs 1 through 7 are incorporated by reference as if fully set forth herein.

13. On or about August 11, 2017, the defendants, BENJAMIN DRAKE DALEY, MICHAEL PAUL MISELIS, THOMAS WALTER GILLEN, and COLE EVAN WHITE, traveled in interstate commerce from California to Charlottesville, Virginia, within the Western District of Virginia, with intent (a) to incite a riot, (b) to organize, promote, encourage, participate in, and carry on in a riot, (c) to commit an act of violence in furtherance of a riot, and (d) to aid or abet any person inciting and participating in or carrying on in a riot and committing any act of violence in furtherance of a riot; and during the course of such travel or thereafter performed or attempted to perform any other overt act, including but not limited to:

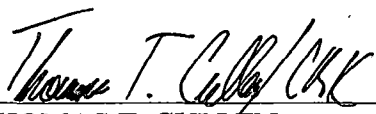
- a. On or about the evening of August 11, 2017, on or around the grounds of the University of Virginia in Charlottesville, Virginia, BENJAMIN

DRAKE DALEY, MICHAEL PAUL MISELIS, THOMAS WALTER GILLEN, and COLE EVAN WHITE incited, promoted, encouraged, participated in, and carried on in a riot, committed acts of violence in furtherance of a riot, and aided and abetted other persons inciting and participating in and carrying on in a riot and committing acts of violence in furtherance of a riot.

- b. On or about August 12, 2017, in and around the vicinity of Emancipation Park in Charlottesville, Virginia, BENJAMIN DRAKE DALEY, MICHAEL PAUL MISELIS, THOMAS WALTER GILLEN, and COLE EVAN WHITE incited, promoted, encouraged, participated in, and carried on in a riot, committed acts of violence in furtherance of a riot, and aided and abetted other persons inciting and participating in and carrying on in a riot and committing acts of violence in furtherance of a riot.

2. All in violation of Title 18, United States Code, Sections 2101, 2.

A TRUE BILL this 10th day of October, 2018


THOMAS T. CULLEN
UNITED STATES ATTORNEY

/s/FOREPERSON
FOREPERSON